

Frequently Asked Questions For the Trial Courts' Civil Fee Collection and Distribution

1.1	<p>Q: What is the filing fee for a motion to set aside a default pursuant to Code of Civil Procedure section 1005?</p>	<p>A: When defendants file their first paper, a uniform “first paper” filing payment is required at the current rate of \$435.00 (GC 70612(a)). If the first paper is a motion, only the first paper filing fee would be charged and not the relevant motion fee (GC 70617 (b)(1)). However, a motion fee would be charged after any first paper filing (GC 70617 (a)).</p>
1.2	<p>Q: Does the Judicial Council need to approve changes to the following fees, set by the court under GC 68071, and California Rules of Court, Rule 10.613?</p> <ul style="list-style-type: none"> ○ Government Code C68086(a)(2) – Court reporter per diem fees for civil proceedings lasting more than one hour. ○ Government Code 69953.5 – Extra court reporter. ○ Family Code 9002 – Stepparent adoption including investigation. ○ Family Code 3112 – Child custody evaluation. ○ Family Code 304 – Premarital counseling for minors. ○ Family Code 7851.5 – Investigation regarding petition to declare child free from parent custody. ○ Probate Code 1513.1 – Guardianship investigations. 	<p>A: No. Statute does not require the courts to go through the local rule process under GC 68071 to increase the above referenced fees and no approval is needed from the Judicial Council to increase the fees. The court should follow its own local rule making policies, including making a reasonable effort to notify the public of the increased fees.</p>

1.3	Q: Does a court need Judicial Council approval to add or change an electronic civil filing fee, to be set by the court, under CCP 1010.6?	A: No, Judicial Council approval is not necessary to add or change an electronic civil filing fee. The fee must not exceed actual cost (CCP 1010.6(7)).
1.4	Q: Are there any Uniform Civil Fee (“UCF”) collections specifically required to be distributed to fund Small Claims court sessions required under CCP 116.250?	A: No. Various UCF fees are collected for small claims cases that are in general distributed to the Trial Court Trust Fund (“TCTF”) to fund Trial Court Operations, and to the counties to fund Small Claims Advisory services, but not specifically to fund the Small Claims court sessions required under CCP 116.250. The UCF fees distributed to the TCTF to fund trial court operations can be used to fund Small Claims court sessions.
1.5	Q: Are all fees collected under VC 40230 (a Uniform Civil Fee (“UCF”) by reference in GC 70615 (b)) and GC 70662 (a UCF fee) returned to the courts, as specified in the SCO’s Trial Court Revenue Distribution Guidelines, Updated, as of January 1, 2018?	A: No, the UCF fees collected under VC 40230 as referenced in GC 70615 (b), and GC 70662 are distributed 100% to the Trial Court Trust Fund as required under 68085.1 (d). The SCO has agreed to correct its TC Revenue Distribution Guidelines, because the guidelines, as of January 1, 2018, indicate these fees are to be returned “100% to the Court” i.e. the DISTRIBUTION column entry will be changed to the “TCTF”.
1.6	Q: Are the fees collected under VC 40230 as referenced in GC 70615 (b), and GC 70662 reported on the TC145?	A: Yes, both GC 70615(b) and GC 70662 should be reported on the TC 145 lines 211 and 95 respectively, and per GC 68085.1 (d) are distributed 100% to the Trial Court Trust Fund.
1.7	Q: A court employee was called as a witness and a \$275 fee was charged under GC 68096.1. How should this fee be distributed?	A: GC 68096.1 is a local fee that is retained by the court or other local agency whose employee was called as a witness. These fees are not to be reported on the TC145.
1.8	Q: How should fees related to PC 166(a) be reported?	A: Any fine imposed and collected pursuant to PC 166(a) is distributed pursuant to PC 1463.001. With the lack of a specified distribution under PC 166(a), as a criminal fine these collections will follow distribution guidelines under PC 1463.001 and will be handled by the court and/or city. PC 166(a) is not to be reported on the TC145.

<p>1.9</p>	<p>Q: How are telephonic appearance service fees, pursuant to GC 72011, reported?</p>	<p>A: If the court provides the telephonic appearance service and collects the fees as specified under GC 72011, the court is responsible for reporting \$20 of the \$86 fee, or comparative percentage for partial payments, to the Trial Court Trust Fund via row #193 of the TC145. The remaining \$66 is considered a local fee and is accounted for by the court. A court may purchase software and/or equipment from a third party to provide the service, but If the court administers and collects a fee for telephonic appearance services, the court is responsible for reporting and remitting the fees collected. If the court has outsourced the administration and collection of fees for providing telephonic appearance services to a Judicial Council approved vendor under GC 72010, the vendor is responsible for reporting and transferring the fees to the State Treasurer’s Office within 15 days after the end of each calendar quarter via a TC-31.</p>
<p>1.10</p>	<p>Q: What is the process for remitting cy pres (CCP 384) funds?</p>	<p>A: According to CCP 384, unclaimed class action funds are to be distributed as follows: 25% to the State Trial Court Improvement & Modernization Fund, 25% to the Equal Access Fund of the Judicial Branch and 50% to the court’s choice of non-profit organizations that fall under certain conditions for child advocacy programs. Payments to the Improvement & Modernization and Equal Access funds should be sent to the Judicial Council of California Accounting office in San Francisco for processing. The JCC will then send the payments to the State Treasurer’s Office. The court is responsible for distributing the remaining 50% of unclaimed funds according to CCP 384.</p>